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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Jason T. Cassezza

Serial No.: 09/409,330

Filed: September 30, 1999

For: Controlling Audio Volume  
in Processor-Based Systems

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Art Unit: 2174

Examiner: Sy D. Luu

Docket: ITL.0268US  
P7591

Assignee: Intel Corporation

Mail Stop **Appeal Brief-Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

In response to the arguments raised in the Examiner's Answer, the following reply brief is submitted.

The Answer postulates the situation where the user inputs the up signal continuously. The Answer concludes, without any support, that a plurality of sound volumes would be progressively generated as being changed/increased.

The problem is that there is no support for this conclusion whatsoever anywhere within the cited reference. The cited reference never suggests how or when sound is actually generated. The entire and total focus of the reference is solely on how you provide the visual display of a selected sound level. While the reference does talk about PWM signals, it is clear that those PWM signals control the display, not the generation of sound. See, for example, column 1, lines 19-21.

Date of Deposit: November 30, 2005

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Cynthia L. Hayden*  
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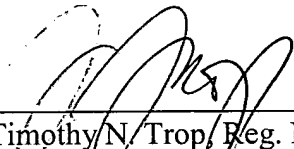
Instead, the Answer presumes, without any basis whatsoever, that, as the display displays, a sound or sounds are produced of changing volume. To the contrary, there is every reason to believe that, instead, no sound is produced until the volume level is set. In other words, until the volume level is set by picking a displayed level, no volume is produced. This is consistent with the whole intent of the reference to provide a very accurate display which accurately displays the center volume level, the lower volume level, and the upper volume level in a proportional way. See, for example, the reference at column 1, lines 25-31.

In order for the claimed operation to be inherent in the reference, the reference must necessarily operate in the postulated way. Here, there is every reason to expect and believe that, rather than producing the sounds as the user pushes the up and down display button, the sounds are not produced until the display reaches an accurate level input. Absent any teaching to the contrary, it cannot be said that the reference necessarily operates by producing sounds as the display is moved up and down to indicate different selectable levels.

Therefore, the rejection should be reversed.

Respectfully submitted,

Date: November 30, 2005



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